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3 IN THE UNITED STATES DISTRICT COURT  
4  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA

6 CATCH A WAVE TECHNOLOGIES, INC.,

No. C 12-05791 WHA

7 Plaintiff,

8 v.

9 SIRIUS XM RADIO, INC.,

**ORDER DENYING DEFENDANT'S  
ADMINISTRATIVE MOTION FOR  
LEAVE TO FILE UNDER SEAL  
(DKT. NO. 77)**

10 Defendant.  
11 \_\_\_\_\_/

12 On February 27, defendant Sirius XM Radio, Inc. filed an administrative motion for leave  
13 to file under seal Exhibits 5 through 17, 24, and 25 and portions of its motion for summary  
14 judgment, based on plaintiff's confidentiality designations (Dkt. No. 77). On March 5, plaintiff  
15 Catch a Wave Technologies, Inc. ("CAWT") filed a declaration stating: "the bulk of the  
16 information . . . can be filed on the public docket," including "the entirety of Sirius XM's motion  
17 for summary judgment" (Chen Decl. ¶ 3, Dkt. No. 80 at 1). CAWT, however, seeks to seal the  
18 email addresses contained in Exhibits 5, 7, 8, 9, 11, 13, 15, and 17 because "public disclosure of  
19 the email addresses *could* subject the owners to *potential* invasions of privacy" (*id.* ¶ 5) (emphasis  
20 added). The email addresses are still used by their respective owners (*ibid.*). "CAWT is willing  
21 to work with Sirius XM to redact the email address from the exhibits" (Dkt. No. 80 at 1).  
22 Nevertheless, compelling reasons have not been shown to seal the requested portions of the  
23 exhibits. The undersigned judge is also skeptical that it would be workable to redact every email  
24 address referenced in papers submitted to the Court on dispositive motions in a patent-litigation  
25 action proceeding in federal court based on nothing more than a speculative concern about  
26 potential invasions of privacy. Defendant's sealing motion is **DENIED**.

27 **IT IS SO ORDERED.**

28 Dated: March 6, 2014.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE